



Docket: 80050 US01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Stuart et al.

Serial No.: 10/706,454

Group Art Unit: 1755

Filed: November 12, 2003

Examiner: Szekely, Peter

For: MODIFIED ASPHALT COMPOSITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

LETTER TRANSMITTING TERMINAL DISCLAIMER

Submitted herewith is a Terminal Disclaimer. Please Charge \$130.00 to Deposit Account No. 05-0221 in the name of Eastman Chemical Company. The Commissioner is hereby authorized to charge any additional fees which may be required by this paper or credit any overpayment to Deposit Account No. 05-0221. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Polly C. Owen

Polly C. Owen

Registration No. 44,991

November 7<sup>th</sup>, 2005

Date

Eastman Chemical Company  
P.O. Box 511  
Kingsport, Tennessee 37662  
Phone: (423) 229-6204  
FAX: (423) 229-1239

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

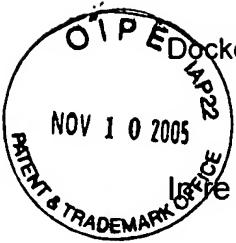
I hereby certify that this paper (along with any paper(s) referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jodi L. Owenby

Jodi L. Owenby

November 7, 2005

Date



Docket: 80050 US01

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Initial Application of:  
Stuart et al.

Serial No.: 10/706,454

Group Art Unit: 1755

Filed: November 12, 2003

Examiner: Szekely, Peter

For: MODIFIED ASPHALT COMPOSITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION**

Eastman Chemical Company, a corporation organized and existing under the laws of the State of Delaware, United States of America, having a place of business at Kingsport, Tennessee, the owner of the entire right, title and interest in the present application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to its grant,

of any patent granted on pending second Application Number 10/706,522, filed on 11/12/2003.  
 of prior Patent No. \_\_\_\_\_.

The owner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and

any patent granted on the second Application  
 the prior Patent

are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee, its successors or assigns.

11/14/2005 SHASSEN1 00000017 050221 10706454

01 FC:1814 130.00 DA

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173

- of any patent granted on the second Application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that such granted patent:
- of the prior Patent, as shortened by any terminal disclaimer filed prior to its grant, in the event that it later:

expires for failure to pay the maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

The terminal disclaimer fee under 37 CFR 1.20(d) is included.

Respectfully submitted,



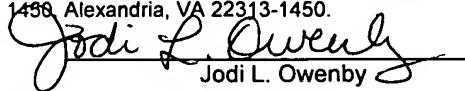
Polly C. Owen  
Registration No. 44,991

11/07/05  
Date

Eastman Chemical Company  
P.O. Box 511  
Kingsport, Tennessee 37662  
Phone: (423) 229-6204  
FAX: (423) 229-1239

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper(s) referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Jodi L. Owenby

November 7, 2005  
Date